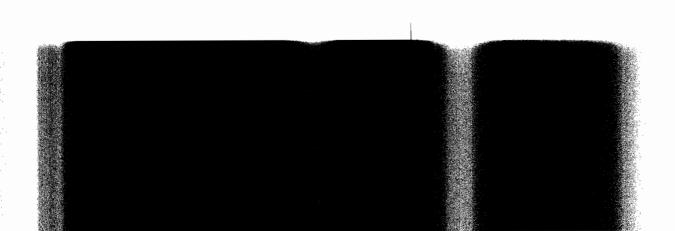
UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		Rev. January 2006	
LIBERTY MUTUAL FIRE INSURA and as subrogee of JEFFREY AVEIS	ANCE COMPANY,		
a mainrat	Plaintiff(s),	CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER	
- against -		07 Civ. 3352 (CLB) (LMS)	
HEAT, LLC, d/b/a PEERLESS BOI and BOTTINI FUEL OIL CORPOR		· · · · · · · · · · · · · · · · · · ·	
	Defendant(s).		
		ly for trial on or after December 12, 2007.	
		,	
		neduling Order is adopted, after consultation 6 of the Federal Rules of Civil Procedure.	
The case (is) (is not) to be tried to a	•	7 3 1	
Joinder of additional parties must be	accomplished by	€ 4-62-04.	
Amended pleadings may be filed until $7 - 22 - 07$ .			
Discovery:			
1. Interrogatories are to be served by responses to such interrogatories shat Local Civil Rule 33.3 (shall) (shall not be served by the served	ll be served within the		
2. First request for production of do	7 7	e served no later than $7-31-07$	
3. Depositions to be completed by _	10/31/07	<del></del>	
•	Unless counsel agree otherwise or the Court so orders, depositions are not to be held until all parties have responded to any first requests for production of documents.		
-	Depositions shall proceed concurrently.		
•	Whenever possible, unless counsel agree otherwise or the Court so orders, non-party		
depositions shall follow party depositions.			
d. If the defense of qualified immunity from suit as a matter of law has been or will be asserted by any defendant(s) with respect to any claim(s) in the case, counsel			
	, ,	rty (30) days of this order depose	
plaintiff(s) at least concerning all facts relevant to the issue of qualified immunity			
· · · · · · · · · · · · · · · · · · ·		nt(s) shall serve consistent with Local c) or Rule 56, returnable on a date posted in	



the New York Law Journal by Judge Brieant for hearing motions. The motion shall, in the absence of agreement of counsel, be limited to the issue of qualified immunity, and plaintiff(s) version of the events shall be assumed true for purposes of the motion. Failure to comply with this provision of this Order shall operate as a waiver of the opportunity to resolve the issue of qualified immunity by motion prior to trial.

	Paguasta to Admit if any to be carried no later than $9-30-07$
5.	Requests to Admit, if any to be served no later than
5.	Additional provisions relating to discovery agreed upon by counsel for the parties (are) (are not) attached and made a part hereof.
7.	All discovery is to be complete by $\frac{12}{1167}$ .
	Dispositive motions, if any, must be served on notice as required by Local Civil Rule 6.1, and e returnable before the Court on a published motion day, no later than three weeks before the for trial date.
	Next Case Management Conference Q Q Q Q

Any further interrogatories, including expert interrogatories, to be served no later than

Joint Pretrial Order is required only if counsel for all parties agree that it is desirable, or the Court so orders.

This case has been designated to the Hon. Lisa Margaret Smith, United States Magistrate Judge at White Plains for discovery disputes if the Court is "unavailable" and for trial under 28 U.S.C. § 636(c) if counsel execute their consent in writing.

Strict compliance with the trial readiness date will be required. This Plan and Order may not be changed without leave of the Court or the assigned Magistrate Judge acting under a specific reference order.

Upon signing a Consent for Trial Before a United States Magistrate Judge, the Magistrate Judge will establish an agreed date certain for trial and will amend this Plan and Order to provide for trial readiness consistent with that agreed date.

Alaska Bries

SO ORDERED.

4.

Dated: White Plains, New York